

REMARKS

Claims 1-40 are pending in the above-identified application. Claims 1-40 were rejected. With this Amendment, claims 1, 4, 6-12, 15-21, 24, 26-29, 32-36, and 40 were amended. Thus, claims 1-40 remain at issue in the above-identified application.

Objection To Claims in Specification

Claims 1, 6, 8, 10, 16, 17, 20 and 33 were objected to because of informalities. Claims 1, 6, 8, 10, 16, 17, 20 and 33 were amended to correct these informalities. Withdrawal of these rejections are respectfully submitted.

35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 10, 15-20, and 32-35 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended to claims to correct the issues presented by the Examiner and request withdrawal of these objections.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-3, 8, 10, 21-23, 27, 36, 37, 39 and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Dulude et al.* (U.S. Patent No. 6,310,966). Claims 1, 9, 21, 24, 28, 36, 38 and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Bianco et al.* (U.S. Patent No. 6,256,737). Applicants respectfully traverse these rejections. Claims 5, 7, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dulude et al.* in view of *Hughes* ("Digital Envelope and Signatures," InstantDoc #2698, WindowsITPro, September 1996). Claims 4 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bianco* in view of *Diffie* ("Authentication and Authenticated Key Exchanges," Designs, Codes and Cryptography, Kluwer Academic Publishers, 1992). Claims 12-14, 20 and 29-31 were rejected

under 35 U.S.C. § 103(a) as being unpatentable over *Yu et al.* (U.S. Patent No. 5,930,804), in view of *Dulude* (although the office action states this rejection is in view of "Duluth", Applicant assumes this to be a typographical error as not such reference has been cited by the Examiner). Applicants respectfully traverse these rejections.

As amended, claim 1 recites "an acquisition unit for acquiring an encrypted template from a person identification certificate storing template information including said encrypted template and generated by a third-party agency serving as a person identification certificate authority." On page 9 of the office action, the Examiner admits that *Dulude* does not teach storing an encrypted template in the person identification certificate. Instead, the Examiner argued that storing an encrypted template in the person identification certificate was disclosed by *Hughes*. Applicant disagrees.

Hughes simply mentions, very briefly, that a person may first digitally sign and then encrypt a message. *Hughes* does not teach or even suggest the creation of "an encrypted template from a person identification certificate storing template information including said encrypted template and generated by a third-party agency serving as a person identification certificate authority." Unlike the prior art, the present invention provides a person authentication system that allows template information to be stored in a highly secure manner and used in conjunction with a public key certificate.

Applicant also submits that there is no motivation to combine *Dulude* with *Hughes*. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP Section. 2143.01 (emphasis added). Here, there is no such

teaching, suggestion or motivation. *Dulude* teaches the use of a certificate for authentication. . However, *Dulude* suggests no method for creating an identification certificate that incorporates an encrypted template nor suggests any need for such a template. Thus, Applicant submits there would be no reason to use the system discussed in *Dulude* with the disclosure in *Hughes*. If the Examiner continues to present the present rejection, Application requests that the Examiner point to specific portions in *Dulude* that provide the requisite motivation.

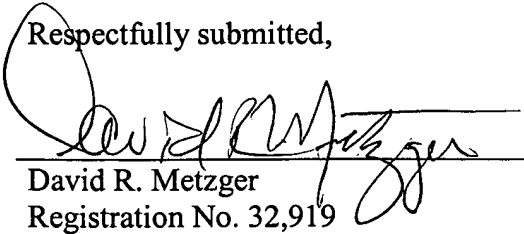
Applicant also submits that none of the other cited art, namely *Bianco* or *Yu*, disclose "an encrypted template from a person identification certificate storing template information including said encrypted template and generated by a third-party agency serving as a person identification certificate authority." Accordingly, Applicant submits that claim 1, as well as dependent claims 2-11 are allowable.

For the same reasons as discussed above for claim 1, applicant submits that independent claims 12, 21, 29, 36 and 40, as well as dependent claims 13-20, 22-28, 30-35, and 37-39 are also allowable.

In view of the foregoing, Applicants submit that the application is in condition for allowance. Notice to that effect is requested.

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Respectfully submitted,



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